

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MAXUS METROPOLITAN, LLC,)
)
)
Plaintiff,)
)
)
v.) Case No: 20-cv-00095-FJG
)
)
TRAVELERS PROPERTY CASUALTY)
COMPANY OF AMERICA,)
)
)
Defendant.)

**DEFENDANT TRAVELERS PROPERTY CASUALTY COMPANY OF AMERICA'S
EXHIBIT LIST**

Defendant, Travelers Property Casualty Company of America ("Travelers"), pursuant to this Court's Amended Trial Order (Doc. 146) submits the following exhibits upon which it may rely:

1. Travelers policy issued to Bomasada Birmingham Nationwide LLC, Bomasada Birmingham Metropolitan LLC, Bomasada BHM Construction LLC, and Bomasada Group, Inc bearing policy number QT-660-7E077026-TIL-18 for the policy period March 31, 2018 to September 30, 2018.
2. Real Estate Purchase and Sale Agreement between Bomasada Birmingham Metropolitan LLC and Maxus Metropolitan, LLC dated August 31, 2018.
3. AIA Document A101 Standard Form of Agreement Between Owner and Contractor executed by Maxus Metropolitan, LLC and BCCM Construction Group, Inc. for The Metropolitan Phases 1–4.
4. Maxus's Damages Claim identified as MAXUS0106717–MAXUS0106720.
5. Maxus's Damages Claim as revised on March 10, 2023 and titled "Reconciliation

of Damages Spreadsheet 7-18-22_Supplement.”

6. October 5, 2018 Reservation of Rights letter from Greg Bynum to John Holloway.
7. December 11, 2018 correspondence from Jason Johns to Greg Bynum identified as TRAV_00003615–TRAV00003618.
8. ATC Infrared Imaging Services Moisture Assessment Combustion-By-Products Sampling report dated January 15, 2019.
9. Electronic mail correspondence dated January 18, 2019 through January 29, 2019 identified as TRAV_00017030–TRAV_00017032.
10. May 13, 2019 correspondence from Brenen Ely to Jason Johns identified as MAXUS0060211–MAXUS0060217.
11. Electronic mail correspondence dated April 9, 2019 through April 10, 2019 identified as MAXUS000080077–MAXUS0080079.
12. Safety Environmental Laboratories and Consulting, Inc. Chain of Custody form to listing Samples 1–97 for dates samples April 11, 2019 and April 12, 2019.
13. Safety Environmental Laboratories and Consulting, Inc Soot Bulk Sample Analysis Bench Sheet.
14. May 1, 2019 correspondence from David Johnson to Greg Bynum identified as MAXUS0081758–MAXUS0081759.
15. May 28, 2019 correspondence from Michael Abrams to Brenen Ely identified as MAXUS0060218–0060219.
16. June 14, 2019 letter to Metropolitan tenants identified as MAXUS0076125.
17. September 12, 2019 correspondence from Brenen Ely to Michael Abrams previously filed as Doc. 84-34.

18. October 8, 2019 correspondence from Brenen Ely to Michael Abrams previously filed as Doc. 84-36.

19. Electronic mail correspondence dated April 30, 2019 identified as MAXUS0081790–MAXUS0081791.

20. Electronic mail correspondence from May 1, 2019 identified as MAXUS0081796.

21. Draft correspondence from David Johnson to Greg Bynum dated May 1, 2019 identified as MAXUS0081797.

22. Electronic mail correspondence dated May 2, 2019 and attached draft correspondence identified as MAXUS0084180–MAXUS0084182.

23. Correspondence from David Johnson to Greg Bynum dated May 1, 2019 identified as TRAV_00015154–TRAV_00015155.

24. Correspondence from Alex Stehl to Stuart Fred and attached Construction Quality Report #1 identified as MAXUS0035836–MAXUS0035848.

25. April 12, 2019 correspondence from Alex Stehl to Stuart Fred and attached Construction Quality Report #2 identified as MAXUS0053430–MAXUS0053441.

26. Water Bill Summary bearing Billing Date 04/09/2019 and Customer Name Maxus Metropolitan LLC identified as BWWB000019.

27. Water Bill Summary bearing Billing Date 05/13/2019 and Customer Name Maxus Metropolitan LLC identified as BWWB000020.

28. Water Bill Summary bearing Billing Date 06/06/2019 and Customer Name Maxus Metropolitan LLC identified as BWWB000022.

29. Matheus Lumber Company, Inc. Invoice to Bomasada BHM const. LLC dated 04/16/2019 and bearing Invoice Number 71584249.

30. Lord Aeck Sargeant The Metropolitan Birmingham Field Report dated June 29, 2017 previously filed as Doc. 84-49.
31. Statement of Loss dated October 29, 2021.
32. Expert Report of Dr. Robert A. Schroeder dated November 6, 2020 including all of the exhibits included in the appendix thereto previously filed as Doc. 40-1.
33. Expert Report of R. Christopher Spicer dated December 11, 2019 including all of the documents in the appendix thereto previously filed as Doc. 40-2.
34. Report issued by R. Christopher Spicer dated December 18, 2019 identified as TRAV_00014542–TRAV_00014548.
35. Expert Report of Dr. Stuart Batterman dated November 6, 2020 including all of the documents included in the appendix thereto previously filed as Doc. 40-3.
36. Expert Report of Dr. Marc Zupan dated November 6, 2020 and all documents attached thereto previously filed as Doc. 40-4.
37. Expert Report of Troy Wilson dated November 6, 2020 and all documents attached thereto previously filed as Doc. 40-5.
38. Expert Report of Kurt Mulder dated July 25, 2019, as revised November 6, 2020, including all documents contained in the appendix thereto previously filed as Doc. 40-6.
39. March 5, 2021 Supplemental Information to the Expert Report of Stuart Batterman as previously filed as Doc. 56-1.
40. March 5, 2021 Supplement to the Expert Report of Kurt Mulder including all documents contained in the appendix thereto previously filed as Doc. 56-2.
41. Forensic Building Science's Construction Defect Report dated July 1, 2020.
42. Travelers' estimate for Phases 1–5 dated March 13, 2019.

43. Travelers' estimate for Phase 6 dated March 13, 2019.
44. Travelers' estimate for Phase 6 dated October 7, 2019.
45. J.S. Held estimate for Phase 5 dated December 19, 2019.
46. J.S. Held estimate for Phase 6 dated January 7, 2020.
47. Travelers' Estimate for Phase 5 dated July 6, 2020 previously filed as Do. 84-46.
48. The Howarth Group's June 5, 2019 estimate of Phases 1-4.
49. BCCM Xactimate dated October 8, 2019.
50. BCCM summary of Metropolitan Contract Amounts dated January 5, 2022

identified as MAXUS0102349– MAXUS0102351.

51. AIA Document A401 Standard Form of Agreement between Contractor and Subcontractor between BCCM Construction Group, Inc. and Royal Restoration LLC dated October 16, 2019.

52. Royal Restoration Xactimate dated November 21, 2019 identified as MAXUS0104504–MAXUS0106703.

53. Royal Restoration Xactimate dated April 13, 2020 identified as MAXUS0102790– MAXUS0102793.

54. Water leak log for unit 422 inspected on December 12, 2018.
55. Water leak log for unit 126 inspected on December 8, 2018.
56. Water leak log for unit 116 inspected on December 7, 2018.
57. Water leak log for unit 119 inspected on October 27, 2018.
58. Water leak log for the common area inspected on January 4, 2019.
59. Water leak log for unit 226 inspected on January 4, 2019.
60. Water leak log for unit 126 inspected on January 9, 2019.

61. Water leak log for unit 126 inspected on January 11, 2019.
62. Water leak log for unit 126 inspected on January 12, 2019.
63. Water leak log for unit 119 inspected on January 31, 2019.
64. Water leak log for the gym inspected on February 6, 2019.
65. Moisture/water intrusion incident report for unit 103 inspected on February 6, 2019.
66. Water leak log for unit 125 inspected on February 18, 2019.
67. Water leak log for the common area inspected on March 4, 2019.
68. Moisture/water intrusion incident report for unit 127 inspected on April 6, 2019.
69. Moisture/water intrusion incident report for unit 123 inspected on April 6, 2019.
70. Moisture/water intrusion incident report for unit 315 inspected on April 7, 2019.
71. Water leak log for the common area inspected on April 10, 2019 and created on April 10, 2019.
72. Water leak log for the common area inspected on April 10, 2019 and created on October 22, 2019.
73. Water leak log for unit 207 inspected on May 28, 2019.
74. Water leak log for unit 413 inspected on June 11, 2019 and created on October 22, 2019.
75. Water leak log for unit 413 inspected on June 11, 2019 and created on February 6, 2020.
76. Water leak log for unit 305 inspected on June 20, 2019.
77. Water leak log for the common area inspected on June 29, 2019.
78. Electronic mail correspondence dated August 17, 2018 through August 20, 2018 titled “Metropolitan inspection” including Cary Case, David Johnson, Jason Young, Michael

McRobert, and Stuart Fred.

79. 82 photographs taken by Safety Environmental Laboratories and Consulting, Inc on April 11, 2019.

80. 91 photographs taken by Safety Environmental Laboratories and Consulting, Inc. on April 12, 2019.

81. Electronic mail correspondence dated August 23, 2019 and August 24, 2018 identified as MAXUS0092419–MAXUS0092420.

82. Electronic mail correspondence dated April 5, 2019 through April 24, 2019 titled “Metropolitan inspection requests” including Cary Case, Dave Nelson, Alex Stehl, Ed Taylor, Ryan Snyder, and Jason Young.

83. Electronic mail correspondence dated April 6, 2019 to April 7, 2019 titled “Metropolitan – Water intrusion in vacants” including Keisha Martin, Leah Thibault, Jeff Norris, Jim Roth, and Cary Case.

84. Electronic mail correspondence dated April 7, 2019 titled “Metropolitan Construction – Leah’s Report” between Cary Case, Jason Young, Alex Stehl, and Leah Thibault.

85. Electronic mail correspondence dated Aril 9, 2019 to September 9, 2019 titled “Metropolitan inspection results” including Alex Stehl, Steven Walker, Cary Case, Davd Winit, and Ed Taylor.

86. Electronic mail correspondence dated April 9, 2019 titled “The Metropolitan soot testing” including Cary Case, Brad Stiles, and Alex Stehl.

87. Electronic mail correspondence dated April 9, 2019 and April 10, 2019 titled “The Metropolitan soot testing” including Cary Case, Brad Stiles, and Alex Stehl identified as MAXUS0080077–MAXUS0080079.

88. Electronic mail correspondence dated May 3, 2019 to November 21, 2019 titled “Metropolitan inspection requests” including Cary Case, Jason Young, Alex Stehl, Thomas O’Brien, and David Winitt.

89. Electronic mail correspondence dated December 10, 2019 to December 16, 2019 titled “19425 – Maxus Metropolitan Fire – Schedule and Issues” including Brian Frasier, Jason Henry, Tracey Boswell, Jason Young, Ron McRae, Jason Richardson, and Cary Case.

90. SouthernCAT, Inc. SMG Report bearing Claim ID 200-01219 and Claim Date October 14, 2019.

91. Electronic mail correspondence from November 15, 2019 to November 21, 2019 titled “19425 – Maxus Metropolitan Fire – SMG Photos” including Brian Frasier, Alex Stehl, Jason Young, Cary Case, and Ron McRae.

92. Electronic mail correspondence from December 12, 2019 titled “Metropolitan Apartments” including Alex Stehl, Mike Baker, and Cary Case.

93. BCCM Quality Assurance Memo: No. 2020-03 dated January 24, 2020 with the subject “Cross Contamination Issues.”

94. BCCM Mold Remediation Additional Days Request dated November 14, 2019 from Ron McRae to Brian Frasier.

95. BCCM Suspected Microbial Growth Report dated November 12, 2019 from Ron McRae to Brian Frasier.

96. Royal Restoration Xactimate dated November 12, 2019 identified as ROYAL1479.

97. Electronic mail correspondence dated December 10, 2018 to December 13, 2018 identified as MAXUS0095416–MAXUS0095418.

98. Electronic mail correspondence dated April 8, 2019 to April 9, 2019 titled “Still

looking pretty unpolished" including David Johnson, Stuart Fred, and Kelly Johnson.

99. April 29, 2019 correspondence from David Johnson to Stuart Fred.

100. Electronic mail correspondence dated April 8, 2020 to May 12, 2020 titled "Supplement update..." including Jason Richardson, Jamison Moffit, Brian Frasier, Cary Case, Jason Young, Jason Henry, Tracey Boswell, and Ron McRae.

101. Electronic mail correspondence dated May 11, 2019 to July 20, 2019 identified as MAXUS0075468–MAXUS0075470.

102. Electronic mail correspondence dated July 25, 2019 to August 6, 2019 identified as GSB0000226–GSB0000229.

103. 199 Photographs taken by the Birmingham Fire Department.

104. GAF EverGuard Notice of Award Confirmation for GAF File No.: 2019-00001483 to Sooner Recon LLC for Metropolitan Apartments Building #5 status as of February 25, 2019.

105. GAF Everguard Notice of Award Confirmation for GAF File No.: 2019-00001483 to Sooner Recon LLC for Metropolitan Apartments Building #5 status as of February 27, 2019.

106. GAF EverGuard Diamond Pledge NDL Roof Guarantee No. G2019-00001483 for Metropolitan Apartments Building #5.

107. GAF Field Services Report for Number I-2019-00001483-01-F Metropolitan Apartments Building #5 dated February 25, 2019.

108. Sooner Recon LLC Bid Proposal for Metropolitan Apartments Buildings 5 and 6 dated February 13, 2019.

109. Sooner Recon LLC Bid Proposal for TPO Membrane Roofing Punchlist and related sheet metal flashing and trim for Metropolitan Apartments Buildings 1 through 4 dated March 8, 2019.

110. Sooner Recon LLC Pricing Proposal for TPO Membrane Roofing Punchlist and related sheet metal flashing and trim for Buildings 1–4 dated March 13, 2019.

111. GAF Field Services Report Immediate Punch List Action Required for GAF File No.: I-2017-00002396-01-M courtesy copy dated February 25, 2019.

112. 149 photographs produced by Sooner Recon LLC.

113. Maxus Opportunity Fund I, LLC PowerPoint identified as MAXUS0012457–MAXUS0012477.

114. Video identified as MAXUS0053537.

115. Video identified as MAXUS0053538.

116. Maxus Realty Trust, Inc. Report for Quarter Ended March 31, 2019 identified as MAXUS0011890–MAXUS0011926.

117. Maxus Realty Trust, Inc. Annual Report for Fiscal Year Ended December 31, 2019 identified as MAXUS0032345–MAXUS0032409.

118. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending October 23, 2019 identified as BCCM009612–BCCM009616.

119. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending October 30, 2019 identified as BCCM009617–BCCM009621.

120. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending November 6, 2019 identified as BCCM009622–BCCM009628.

121. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending November 14, 2019 identified as BCCM009629–BCCM009633.

122. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending November 20, 2019 identified as BCCM009634–BCCM009643.

123. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending November 27, 2019 identified as BCCM009644–BCCM009654.

124. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending December 12, 2019 identified as BCCM009655–BCCM009672.

125. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending January 9, 2020 identified as BCCM009474–BCCM009492.

126. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending January 16, 2020 identified as BCCM009493–BCCM009504.

127. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending January 29, 2020 identified as BCCM009505–BCCM009509.

128. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending February 12, 2020 identified as BCCM009510–BCCM009515.

129. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending February 20, 2020 identified as BCCM009516–BCCM009524.

130. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending February 28, 2020 identified as BCCM009525–BCCM009527.

131. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending March 5, 2020 identified as BCCM009528–BCCM009532.

132. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending March 12, 2020 identified as BCCM009533–BCCM009536.

133. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending March 19, 2020 identified as BCCM009537–BCCM009541.

134. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending

March 27, 2020 identified as BCCM009542–BCCM009546.

135. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending April 2, 2020 identified as BCCM009547–BCCM009552.

136. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending April 9, 2020 identified as BCCM009553–BCCM009558.

137. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending April 16, 2020 identified as BCCM009559–BCCM009553.

138. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending April 24, 2020 identified as BCCM009564–BCCM009568.

139. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending April 30, 2020 identified as BCCM009569–BCCM009573.

140. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending May 7, 2020 identified as BCCM009574–BCCM009579.

141. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending May 14, 2020 identified as BCCM009580–BCCM009587.

142. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending May 20, 2020 identified as BCCM009588–BCCM009593.

143. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending May 28, 2020 identified as BCCM009594–BCCM009599.

144. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending June 3, 2020 identified as BCCM009600–BCCM009605.

145. BCCM Weekly Job Progress Report on Metropolitan Phases 1–4 for Week Ending June 10, 2020 identified as BCCM009606–BCCM0095611.

146. BCCM Change 001 dated December 10, 2019 for Phases 1–4 of the Metropolitan.
147. Statement of Loss for Travelers' Claim Number FBS1747 dated October 29, 2021.
148. Deposition of Sean Fee conducted on March 10, 2021.
149. Deposition of Ron McRae conducted on March 9, 2021.
150. 95 Apartment Lease Contracts included in Exhibit D of Michelle Pienta's Expert Report.

151. All Data and Information Considered by Dr. Robert A. Schroeder as listed in Exhibit D of his report, previously filed as pages 42–45 of Doc. 40-1.
152. All documents from Dr. Robert A. Schroeder previously produced as RAS000001–RAS377438.
153. Qualifications of Dr. Robert A. Schroeder previously filed as pages 36–37 of Doc. 40-1.
154. All figures contained within the expert report of Dr. Robert A. Schroeder previously filed as pages 4–35 of Doc. 40-1.
155. The Curriculum Vitae of Dr. Robert A. Schroeder previously filed as pages 46–55 of Doc. 40-1.
156. R. Christopher Spicer's sampling location floor plans included as Exhibit A to his expert report previously filed as pages 12–16 of Doc. 40-2.
157. R. Christopher Spicer's photographs of sampling locations included as Exhibit B to his expert report previously filed as pages 17–22 of Doc. 40-2.
158. RJ Lee Group's Summary Report Evaluation of Surface Samples for the Presence of Aciniform Soot" previously filed as pages 24–112 of Doc. 40-2.
159. Fractal Analysis Report by pH2, LLC dated December 10, 2019 previously filed as

pages 114–170 of Doc. 40-2.

160. TEM Images and EDS Spectra of Aciniform Structures by RJ Lee Group previously filed as pages 171–200 of Doc. 40-2.

161. Summary Tables of Fractal Dimensions and TEM-EDS Data previously filed as pages 201–203 of Doc. 40-2.

162. Basic Fractal Statis previously filed as pages 204–209 of Doc. 40-2.

163. Qualifications and Experience Statement of R. Christopher Spicer previously filed as pages 210–225 of Doc. 40-2.

164. ATSM International D6602-18. *Standard Practice for Sampling and Testing of Possible Carbon Black Fugitive Emissions or Other Environmental Particulate, or Both* Conshohocken, PA, ASTM International, 2018.

165. ATSM International (2019). D6602-13 *Standard Practice for Sampling and Testing of Possible Carbon Black Fugitive Emissions or Other Environmental Particulate, or Both*. ASTM International, West Conshohocken, PA.

166. All secondary sources identified in the footnotes of R. Christopher Spicer's expert report, previously filed as pages 1– 11 of Doc. 40-2.

167. Curriculum Vitae of Dr. Stuart Batterman as of October, 2020 previously filed as pages 63–142 of doc. 40-3.

168. All figures contained within the Expert Report of Dr. Stuart Batterman as identified on page 4 of Doc. 40-3.

169. All tables contained within the Expert Report of Dr. Stuart Batterman as identified on pages 4–5 of Doc. 40-3.

170. All documents reviewed and/or cited by Dr. Stuart Batterman as identified on pages

48–50 of Doc. 40-3.

171. Complete list of Carlson data reviewed by Dr. Stuart Batterman as previously filed on pages 51–61 of Doc. 40-3.

172. All figures included in the supplemental expert report of Dr. Stuart Batterman as identified on page 3 of Doc. 56-1.

173. All tables included in the supplemental expert report of Dr. Stuart Batterman as identified on page 3 of Doc. 56-1.

174. All documents reviewed and/or cited by Dr. Stuart Batterman in preparing his supplemental expert report as identified on page 14 of Doc. 56-1.

175. All materials reviewed by Dr. Marc Zupan as identified on page 3 of Doc. 40-4.

176. All figures contained in the Expert Report of Dr. Marc Zupan previously filed as Doc. 40-4.

177. Curriculum Vitae of Dr. Marc Zupan as of the Spring of 2020 previously filed as pages 27–41 of Doc. 40-4.

178. J.S. Held Xactimate Estimate for Phase 5 dated June 24, 2020 previously filed as pages 6–296 of Doc. 40-5.

179. J.S. Held Xactimate Estimate for Phase 6 dated January 7, 2020 previously filed as pages 298–618 of Doc. 40-5.

180. All documents reviewed by Troy Wilson as identified in subsection IV. on page 4 of Doc. 40-5.

181. Curriculum Vitae of Troy Wilson previously filed on pages 620–623 of Doc. 40-5.

182. All secondary sources considered by Kurt Mulder as identified on page 4 of Doc. 40-6.

183. All figures contained in the expert report of Kurt Mulder previously filed as pages 12–29 of Doc. 40-6.

184. Aerial Photograph of the Metropolitan Apartments in Birmingham, Alabama previously filed on 31 of Doc. 40-6.

185. Facility layout of the Metropolitan Apartments previously filed as page 33 of Doc. 40-6.

186. Rendering of the layout and unit identification of the Metropolitan apartments identified as UES002204.

187. Curriculum Vitae of Kurt D. Mulder previously filed as pages 102–104 of Doc. 40-6.

188. All documents reviewed by Kurt D. Mulder identified on pages 44–45 of Doc. 40-6.

189. All figures contained in the expert report of Kurt D. Mulder previously filed as pages 66–90 of Doc. 40-6.

190. Floor 1 Fire Evacuation Route Map of the Metropolitan previously filed as page 92 of Doc. 40-6.

191. Local Climatological Data, Daily Summary, September 2018, Birmingham Airport, National Centers for Environmental Information Website previously filed as pages 93–100 of Doc. 40-6.

192. All documents reviewed by Kurt D. Mulder in preparing his supplemental expert report as identified on page 4–5 of Doc. 56-2.

193. All documents reviewed by Kurt D. Mulder in preparing his supplemental expert report as identified on pages 7–10 of Doc. 56-2.

194. Figure 1 included in the supplemental expert report of Kurt D. Mulder previously filed as page 16 of Doc. 56-2.

195. Claim Notes for Travelers' Claim Number FBS1747 through January 10, 2020.

196. Electronic mail correspondence bearing subject line "Re: [External] Environmental Risk / Consultants" from April 8, 2019 – April 12, 2019 previously identified as Stehl_0055–Stehl_0060.

197. Electronic mail correspondence bearing subject line "Metropolitan – TPO Roof RFI" dated February 11, 2020 previously identified as Stehl_0173.

198. Draft Construction Defect Report by FBS previously identified as Stehl_0248–0311.

199. June 22, 2020 correspondence from Ryan Snyder to Stuart Fred identified as MAXUS0035865–MAXUS0035866.

200. BCCM Quality Assurance Memo: Metro 2019-02 dated November 5, 2019 with the subject line "TPO Roof System, Buildings 1, 2, 3 & 4."

201. All documents provided to Maxus in advance of the deposition of Alex Stehl identified as Stehl_0001–Stehl_1154.

202. Electronic mail correspondence dated November 28, 2018 bearing subject line "Re: [External] re: The Metropolitan – BHM – Monday, December 3, 2018 Meeting with Travelers in Birmingham" previously identified as Johnson0011.

203. Electronic mail correspondence from May 29, 29020 previously identified as Johnson 0108–Johnson0110.

204. Electronic mail correspondence from May 29, 2020 to June 18, 2020 identified as MAXUS0035903–MAXUS0035911.

205. All documents provided to Maxus in advance of the deposition of David Johnson identified as Johnson0001–Johnson0549.

206. Electronic mail correspondence dated February 4, 2019 bearing subject “Re: [External] Opportunity Zone Investment” identified as MAXUS0075883.

207. Appraisal of Real Property Metropolitan Apartments dated May 21, 2019 prepared by Cushman & Wakefield identified as MAXUS0008596–MAXUS0008829.

208. All documents provided to Maxus in advance of the deposition of Ryan Snyder identified as Snyder0001–Snyder0819.

209. BCCM Work Log for October 26, 2019 identified as McRae0025–McRae0033.

210. Royal Restoration Executive Summary dated October 30, 2019 identified as McRae0074.

211. Royal Restoration Executive Summary dated October 31, 2019 identified as McRae0078.

212. Royal Restoration Executive Summary dated November 7, 2019 identified as McRae0092–McRae0093.

213. Royal Restoration Executive Summary dated November 8, 2019 identified as McRae0198–McRae0201.

214. BCCM Quality Assurance Memo: Metro 2019-02 dated November 5, 2019 bearing subject “TPO Roof System, Buildings, 1, 2, 3 & 4” identified as McRae0213–McRae0219.

215. BCCM Daily Work dated November 14, 2019 identified as McRae0247–McRae0271.

216. BCCM Project Daily Report for January 22, 2020 identified as McRae0275–McRae0298 and also identified as MAXUS006408–MAXUS0061587.

217. BCCM Electric Romex Replacement Report dated January 3, 2020 identified as McRae0378–McRae0383 and also identified as MAXUS0006345–MAXUS0006350.

218. RFI 0003 – Courtyard Draining – Building 1–3 identified as McRae0401–McRae0412.

219. BCCM Metropolitan Code Construction Deficiency Issues dated March 11, 2020 identified as McRae0413–McRae0415 and also identified as MAXUS0080653–MAXUS0080655.

220. Royal Restoration Executive Summary dated November 19, 2019 identified as McRae0485–McRae0487.

221. Royal Restoration Executive Summary dated November 20, 2019 identified as McRae0488–McRae0490.

222. All documents provided to Maxus in advance of the deposition of Ron McRae identified as McRae0001–McRae0889.

223. Resource Construction Change Order number 1 dated March 4, 2020 identified as Resource0001–Resource0002.

224. Resource Construction Change Order number 2 dated March 12, 2020 identified as Resource0003–Resource0004.

225. Subcontract Agreement between Bomasada BHM Construction, LLC and Resource Construction identified as Resource0005–Resource0029.

226. Electronic mail correspondence from December 19, 2019 to February 5, 2020 bearing subject line “FW: The Metropolitan, Birmingham, Alabama – Project Management Supplementing Special Instructions” identified as Resource0033–Resource0034.

227. Electronic mail correspondence dated February 10, 2020 to February 11, 2020 bearing subject line “RE: The Metropolitan – water intrusion” identified as Resource0044–

Resource0045.

228. Electronic mail correspondence from February 10, 2020 and February 11, 2020 bearing subject line “Re: The Metropolitan – water intrusion” identified as Resource0046–Resource0047.

229. Electronic mail correspondence from February 25, 2020 to March 3, 2020 bearing subject line “FW: The Metropolitan – Critical Clarifications” identified as Resource0053–Resource0054.

230. Electronic mail correspondence dated February 19, 2020 bearing subject line “The Metropolitan – Critical Clarifications” identified as Resource0055.

231. Electronic mail correspondence from March 26, 2020 to April 10, 2020 bearing subject line “RE: Phase 5 – change Order 3_decks and demising walls” identified as Resource0056–Resource0057.

232. Resource Construction Daily Report for February 4, 2020 identified as Resource0063.

233. Resource Construction Status Report for Week Ending February 16, 2020 identified as Resource0067.

234. Resource Construction Status Report for Week Ending March 7, 2020 identified as Resource0070.

235. Resource Construction Status Report for Week Ending March 14, 2020 identified as Resource0071.

236. Resource Construction Status Report for Week Ending March 21, 2020 identified as Resource0072.

237. Electronic mail correspondence from April 1, 2020 to April 10, 2020 bearing

subject “dry ice phase 5” identified as Resource0132–Resource0133.

238. Electronic mail correspondence from February 4, 2020 to February 5, 2020 bearing subject line “The Metropolitan – Phase 5 protocols” identified as Resource0207.

239. Electronic mail correspondence dated March 26, 2020 bearing subject line “Phase 5 – Change Order 3_decks and demising walls” identified as Resource0264–Resource0265.

240. All documents provided to Maxus before the deposition of Sean Fee identified as Resource0001–Resource0540.

241. Document titled Metropolitan BHM Subcontractor identified as Exhibit 2 to the deposition of Susan Granberry.

242. Sworn Statement in Proof of Loss of Property Damages Primary POL for Phases 1–5 notarized July 12, 2019 and marked as page 1 of Exhibit 3 to the Examination Under Oath of Alex Stehl.

243. Sworn Statement in Proof of Loss of Property Damages Primary POL for Phase 6 notarized July 9, 2019 and marked as page 2 of Exhibit 3 to the Examination Under Oath of Alex Stehl.

244. Interim Partial Proof of Loss Sworn Statement in Proof of Soft Costs Loss notarized August 23, 2019 and marked as page 3 of Exhibit 3 to the Examination Under Oath of Alex Stehl.

245. Interim Partial Proof of Loss Sworn Statement in Proof of Business Interruption Loss notarized August 23, 2019 and marked as pages 4–5 of Exhibit 3 to the Examination Under Oath of Alex Stehl.

246. The Metropolitan Apartments – Birmingham Turn Schedule dated September 7, 2019 marked as Exhibit 8 to the Examination Under Oath of Alex Stehl and marked as Exhibit 9 to the Examination Under Oath of Michelle Pienta.

247. Maxus Metropolitan, LLC Summary Income Statement showing month ending April 30, 2019 marked as Exhibit 11 to the Examination Under Oath of Alex Stehl.

248. Master Rider to Construction Contract Between Maxus Metropolitan, LLC and Bomasada BHM Construction, LLC dated September 3, 2019 and marked as Exhibit 15 to the Examination Under Oath of Alex Stehl.

249. Maxus Metropolitan, LLC Summary Income Statement showing month ending September 30, 2019 marked as Exhibit 21 to the Examination Under Oath of Alex Stehl.

250. Metropolitan – BHM Production Schedule dated August 8, 2017 marked as Exhibit 3 to the Examination Under Oath of Stuart Fred.

251. June 6, 2019 correspondence from Jason Johns to Greg Bynum identified as TRAV_00000564–TRAV_00000567.

252. Document titled “Bomasada Fire Related Cost Incurred to Date” marked as Exhibit 10 to the Examination Under Oath of Stuart Fred.

253. Electronic mail correspondence dated June 14, 2019 bearing subject line “Metropolitan – Work Stoppage” marked as Exhibit 11 to the Examination Under Oath of Stuart Fred.

254. Electronic mail correspondence dated April 3, 2019 to April 5, 2019 bearing subject line “RE: Metropolitan meeting BHM 4/4/19” previously marked as Exhibit 15 to the Examination Under Oath of Stuart Fred.

255. Electronic mail correspondence dated April 3, 2019 to April 7, 2019 bearing subject line “RE: Metropolitan meeting BHM 4/4/19” previously marked as Exhibit 16 to the Examination Under Oath of Stuart Fred.

256. July 23, 2019 electronic mail correspondence bearing subject line “Re: Update” and

attachment thereto “Phase 5 Costs to Date.pdf” previously marked as Exhibit 25 to the Examination Under Oath of Stuart Fred.

257. Construction Defect and Damages Report issued by Forensic Building Science, Inc.; Hixson Consultants, Inc; and Yeti Construction Services dated April 26, 2022.

258. June 8, 2020 correspondence to Alex Stehl from Robert W. Nelson, Vice President of Centric.

259. May 29, 2020 Façade Renovation estimate from Centric.

260. June 9, 2020 Phase 1–4 Façade Renovation estimate from Centric.

261. June 9, 2020 Phase 5 Façade Renovation estimate from Centric.

262. Electronic mail correspondence dated June 1, 2020 including Rob Nelson and Alex Stehl bearing subject line “Allura Siding” and attachment thereto titled “Allura_InstallationManual_20200319.pdf.”

263. Electronic mail correspondence dated May 27, 2019 to July 4, 2020 bearing subject line “Re: Metropolitan Siding” including Rob Nelson and Alex Stehl.

264. Resource Construction Status Report for Week Ending March 7, 2019.

265. Resource Construction Status Report for Week Ending March 14, 2019.

266. Electronic mail correspondence from March 16, 2020 including Sean Fee, Woody Robertson, Susan Granberry, Stuart Fred, and Chuck Schneider bearing subject line “RE: Phase 5 Balconies.”

267. Electronic mail correspondence from February 10, 2020 to February 11, 2020 including Sean Fee, Stuart Fred, John Holloway, Woody Robertson, and Quentin Franklin bearing subject line “Re: The Metropolitan – water intrusion.”

268. Electronic mail correspondence from February 10, 2020 to February 11, 2020

including Sean Fee, Stuart Fred, John Holloway, Woody Robertson, and Andre Pickrell bearing subject line “FW: The Metropolitan – water intrusion.”

269. Bomasada Report regarding The Metropolitan Apartments showing photos dated October 26, 2017 identified as AL Roof Pro 000001– AL Roof Pro 000013.

270. Document titled “Bomasada Roof Damage” dated August 21, 2017 identified as AL Roof Pro 001951.

271. Transcript of recorded phone call between Bomasada and Alabama Roof Pro identified as AL Roof Pro 001971–AL Roof Pro 001973.

272. Electronic mail correspondence dated January 10, 2020 to January 13, 2020 including John Holloway, Quentin Franklin, and Woody Robertson bearing subject line “Phase 5 Metropolitan Birmingham. Alabama” and the attachment therein identified as “BHM Roof Leaks 12-27-10.”

273. Electronic mail correspondence dated February 3, 2020 including Quentin Franklin and John Holloway bearing subject line “Birmingham Metro” and the attachment therein identified as “Metro BHM Repair Photos 2.3.20.pdf.”

274. Electronic mail correspondence dated February 11, 2020 including Bob Ryan, Quentin Franklin, and John Holloway bearing subject line “BHMRoof5&6” and the attachment therein identified as “BHMRoof5&6.”

275. Electronic mail correspondence dated February 11, 2020 including Karah Franklin and Susan Granberry bearing subject line “Re: FW: Metropolitan – Birmingham” and the attachment therein identified as “GAF Gield Courtesy Report for Bldgs 1-4 (2-25-19).pdf.”

276. Electronic mail correspondence dated February 12, 2019 including Bob Ryan, Quentin Franklin, and John Holloway bearing subject line “Metropolitan Apartments –

Birmingham, AL.”

277. Electronic mail correspondence dated February 13, 2020 including John Holloway, Quentin Franklin, and Woody Robertson bearing subject line “FW: phase 5”

278. Sooner Recon LLC Pricing Proposal for Buildings 1–4 dated March 8, 2019.

279. Electronic mail correspondence dated March 8, 2019 including Quentin Franklin, Bob Ryan, John Holloway, and Karah Franklin bearing subject line “BHM Metro Roofs 1-4” and the attachments therein identified as “Pricing Proposal – Bomasada BHM Metro Bldgs 1-4.pdf” and “GAF Field Courtesy Report for Bldgs 1-4 (2-25-19).pdf.”

280. Electronic mail correspondence dated March 14, 2019 including Susan Granberry, Quentin Franklin, and Karah Franklin bearing subject line “BHM – Change Order 1” and the attachment therein identified as “Sooner Recon CO 1 – BHM.pdf.”

281. Metropolitan Birmingham, AL Financial Damage Assessment issued by Caleb Gerrels and dated April 26, 2022.

282. Metropolitan Birmingham, AL Financial Damage Assessment issued by Caleb Gerrels and dated October 5, 2022.

283. Metropolitan Birmingham, AL Financial Damage Assessment issued by Caleb Gerrels and dated October 8, 2022.

284. August 9, 2022 correspondence from Brian Fields to M. Andrew Donaldson titled “Settlement Demand Bomasada BHM Construction, LLC, et al. v. Maxus Metropolitan, LLC Case 01-20-0007-2684.”

285. Huber Engineered Woods ZIP System Product Observation Report dated June 5, 2020.

286. Hixson Consultants, Inc. Statement of Phase 6 Conditions dated June 9, 2020.

287. Hixon Consultants Project Correspondence PC-45022-001 dated June 12, 2020 from Ben Hixson to Alex Stehl.

288. Integrity Structural Corp. Site Visit Observation Report dated July 22, 2020 regarding “Building 1 Thru 3 Framing & Hardware Re-Check.”

289. Integrity Structural Corp. Site Visit Observation Report dated July 22, 2020 regarding “Building 5.”

290. Integrity Structural Corp. Site Visit Observation Report dated September 2, 2020 regarding “Buildings 1 & 2 Damaged Balcony Framing.”

291. Integrity Structural Corp. Site Visit Observation Report dated September 2, 2020 regarding “Building 5 Water Damaged Unit Porch Framing.”

292. Integrity Structural Corp. Site Visit Observation Report dated September 3, 2020 regarding “Building Part 6 Framing and Hardware.”

293. Integrity Structural Corp. Site Visit Observation Report dated May 19, 2020 regarding “Building 6 Shearwall Rod Assembly Installation.”

294. Integrity Structural Corp. Site Visit Observation Report dated September 23, 2020 regarding “Building 1 Clubhouse Entryway 2nd Floor Framing.”

295. Integrity Structural Corp. Site Visit Observation Report dated September 23, 2020 regarding “Building Part 1 Courtyard Water Damage.”

296. Integrity Structural Corp. Site Visit Observation Report dated September 24, 2020 regarding “Building Part 3 (1st & 2nd Floors Only) – Interior Gyp Shearwall Nailing.”

297. Integrity Structural Corp. Site Visit Observation Report dated September 2, 2020 regarding “Building Part 4 Shearwall Hold Downs and Still Plate Attachment.”

298. Integrity Structural Corp. Site Visit Observation Report dated October 28, 2020

regarding “Building Part 4 Framing and Hardware.”

299. Integrity Structural Corp. Site Visit Observation Report dated December 2, 2020 regarding “General Observation & Discussion.”

300. BCCM Quality Assurance Memo No 2020-16 dated November 12, 2020 titled “Building Envelope Inspections.”

301. BCCM Quality Assurance Memo No 2020-19 dated November 25, 2020 titled “Recommended Re-Work of First Floor Joists.”

302. Forensic Building Science, Inc. Memorandum dated December 16, 2020 bearing subject line “Rooftop Amenities Structure Damage New Discovery.”

303. Lord Aeck Sargent report titled “The Metropolitan Birmingham – Maxus Field Report 03” regarding Project Number: 10399-60 dated July 22, 2020.

304. Report of Special Inspection issued by LBYD Engineers for Project identified as “Metropolitan Apartments Site Investigation of Constructed Items” dated December 23, 2020.

305. Forensic Building Science, Inc Memorandum dated January 6, 2021 bearing subject line “Newly Discovery Construction Defects.”

306. Document titled “The Metropolitan Defective Work List Discovery after November 6, 2020” dated February 15, 2021.

307. Forensic Building Science, Inc Mem #1 dated February 28, 2020 bearing subject line “Global Issues at Metropolitan - Birmingham.”

308. Integrity Structural Corp. Site Visit Observation Report dated March 27, 2020 regarding “Building 4 – Roof Decking Attachment and Water Damage.”

309. Integrity Structural Corp. Site Visit Observation Report dated May 19, 2020 regarding “Clubhouse Framing and Hardware.”

310. Integrity Structural Corp. Site Visit Observation Report dated March 27, 2020 regarding “Building 1 - Framing and Hardware (2nd and 4th).”

311. Integrity Structural Corp. Site Visit Observation Report dated March 27, 2020 regarding “Building 6 – Preliminary Framing Walk-Thru.”

312. Integrity Structural Corp. Site Visit Observation Report dated March 27, 2020 regarding “Building 1–5 – Framing and Hardware.”

313. Integrity Structural Corp. Site Visit Observation Report dated May 19, 2020 regarding “Building 6 Exterior Sheathing.”

314. RFI 0036 – Building 5 Plumbing Underground dated April 9, 2021 with attachment identified as “Metropolitan Riser Diagrams P501A.pdf” and as revised on May 17, 2021 by Frank Gonzalez.

315. Maxus’s Answering Statement and Counterclaim filed in AAA Case No. 01-20-0007-2684 on July 17, 2020 and all exhibits thereto.

316. Maxus’s Amended Counterclaim filed in AAA Case No. 01-20-0007-2684 on November 6, 2020 and all exhibits thereto.

317. Maxus’s Second Amended Counterclaim filed in AAA Case No. 01-20-0007-2684 on March 1, 2021 and all exhibits thereto.

318. Maxus’s Third Amended Counterclaim filed in AAA Case No. . 01-20-0007-2684 on January 28, 2022 and all exhibits thereto.

319. Maxus’s Fourth Amended Counterclaim filed in AAA Case No. . 01-20-0007-2684 on May 18, 2021 and all exhibits thereto.

320. Construction Quality Report Number 3 from Alex Stehl to Stuart Fred dated April 19, 2019 and email correspondence attached thereto.

321. Construction Quality Report Number 4 from Alex Stehl to Stuart Fred dated May 3, 2019.
322. Construction Quality Report Number 5 from Alex Stehl to Stuart Fred dated May 17, 2019.
323. 10 videos taken by Resource Construction on March 7, 2020.
324. 7 videos taken by Resource Construction on March 9, 2020.
325. Resource Construction video showing the courtyard zipwall - north elevation 1.
326. Resource Construction video showing the courtyard zipwall – north elevation 2.
327. Resource Construction video showing the courtyard zipwall – north elevation 3.
328. Resource Construction video showing the courtyard zipwall – north elevation 4.
329. Resource Construction video showing the courtyard zipwall – north elevation 5.
330. Resource Construction video showing the courtyard zipwall – north elevation 6.
331. Resource Construction video showing the courtyard zipwall – north elevation 7.
332. Resource Construction video showing the courtyard zipwall – north elevation 8.
333. Resource Construction video showing the courtyard zipwall – north elevation 9
334. 75 photos from Resource Construction showing the courtyard zipwall – north elevation.
335. Resource Construction video showing the courtyard zipwall – south elevation 1.
336. Resource Construction video showing the courtyard zipwall – south elevation 2.
337. Resource Construction video showing the courtyard zipwall – south elevation 3.
338. Resource Construction video showing the courtyard zipwall – south elevation 4.
339. Resource Construction video showing the courtyard zipwall – south elevation 5.
340. 51 photos from Resource Construction showing the courtyard zipwall – south

elevation.

341. Resource Construction video taken in unit 154.
342. 8 photos from Resource Construction showing unit 154.
343. 5 photos from Resource Construction showing units 254 and 255.
344. Memorandum re Acquisition of Metropolitan Apartments dated August 22, 2018 identified as MAXUS0009345–MAXUS0009354.
345. Phases 1–4 BCCM to Maxus Pay App 1 identified as MAXUS0075073–MAXUS0075076.
346. Phases 1–4 BCCM to Maxus Payment Application 2 identified as MAXUS0102372–MAXUS0102374 and supporting documentation.
347. Phases 1–4 BCCM to Maxus Payment Application 3 identified as MAXUS0102392–MAXUS0102394 and supporting documentation.
348. Phases 1–4 BCCM to Maxus Payment Application 4 identified as MAXUS0102395–MAXUS0102399 and supporting documentation.
349. Phases 1–4 BCCM to Maxus Payment Application 5 identified as MAXUS0102400–MAXUS0102409 and supporting documentation..
350. Phases 1–4 BCCM to Maxus Payment Application 6 identified as MAXUS0102410–MAXUS0102419 and supporting documentation.
351. Phases 1–4 BCCM to Maxus Payment Application 7 identified as MAXUS0102420–MAXUS0102422 and supporting documentation.
352. Phases 1–4 BCCM to Maxus Payment Application 8 identified as MAXUS0102423–MAXUS0102431 and supporting documentation.
353. Phases 1–4 BCCM to Maxus Payment Application 9 identified as

MAXUS0102432–MAXUS0102440 and supporting documentation.

354. Phases 1–4 BCCM to Maxus Payment Application 10 identified as MAXUS0102357–MAXUS0102359 and supporting documentation.

355. Phases 1–4 BCCM to Maxus Payment Application 11 identified as MAXUS0102360–MAXUS0102362 and supporting documentation.

356. Phases 1–4 BCCM to Maxus Payment Application 12 identified as MAXUS0102363–MAXUS0102365 and supporting documentation.

357. Phases 1–4 BCCM to Maxus Payment Application 13 identified as MAXUS0102366–MAXUS0102368 and supporting documentation.

358. Phases 1–4 BCCM to Maxus Payment Application 14 identified as MAXUS0102369–MAXUS0102371 and supporting documentation.

359. Phases 1–4 BCCM to Maxus Payment Application 15 identified as MAXUS0102447–MAXUS0102461 and supporting documentation.

360. Phases 1–4 BCCM to Maxus Payment Application 16 identified as MAXUS0102462–MAXUS0102464 and supporting documentation.

361. Phases 1–4 BCCM to Maxus Payment Application 17 identified as MAXUS0102465–MAXUS0102467 and supporting documentation.

362. Phases 1–4 BCCM to Maxus Payment Application 18 identified as MAXUS0102468–MAXUS0102470 and supporting documentation.

363. Phases 1–4 BCCM to Maxus Payment Application 19 identified as MAXUS0102441–MAXUS0102443 and supporting documentation.

364. Phases 1–4 BCCM to Maxus Payment Application 20 identified as MAXUS0102444–MAXUS0102446 and supporting documentation.

365. Phases 1–4 BCCM to Maxus Payment Application 21Rev01 identified as MAXUS0102375–MAXUS0102379 and supporting documentation.

366. Phases 1–4 BCCM to Maxus Payment Application 22 identified as MAXUS0102069–MAXUS0102073 and supporting documentation.

367. Phases 1–4 BCCM to Maxus Payment Application 23 identified as MAXUS0102380–MAXUS0102382 and supporting documentation.

368. Phases 1–4 BCCM to Maxus Payment Application 24 identified as MAXUS0102383–MAXUS0102386 and supporting documentation.

369. Phases 1–4 BCCM to Maxus Payment Application 25 identified as MAXUS0102173–MAXUS0102177 and supporting documentation.

370. Phases 1–4 BCCM to Maxus Payment Application 26 identified as MAXUS0102194–MAXUS0102198 and supporting documentation.

371. All BCCM Pay Apps for Phase 1–4 envelope contract and supporting documentation.

372. All BCCM Pay Apps for Phases 4 Floors 1& 2 flooring and supporting documentation.

373. Phase 5 Pre-Fire BCCM to Maxus Payment Application 1 identified as MAXUS0102639–MAXUS0102641 and supporting documentation.

374. Phase 5 Pre-Fire BCCM to Maxus Payment Application 2 identified as MAXUS0102648–MAXUS0102650 and supporting documentation.

375. Phase 5 Pre-Fire BCCM to Maxus Payment Application 3 identified as MAXUS0102651–MAXUS0102653 and supporting documentation.

376. Phase 5 Pre-Fire BCCM to Maxus Payment Application 4 identified as

MAXUS0102654–MAXUS0102656 and supporting documentation.

377. Phase 5 Pre-Fire BCCM to Maxus Payment Application 5 identified as MAXUS0102657–MAXUS0102659 and supporting documentation.

378. Phase 5 Pre-Fire BCCM to Maxus Payment Application 6 identified as MAXUS0102660–MAXUS0102662 and supporting documentation.

379. Phase 5 Pre-Fire BCCM to Maxus Payment Application 7 identified as MAXUS0102663–MAXUS0102665 and supporting documentation.

380. Phase 5 Pre-Fire BCCM to Maxus Payment Application 8 identified as MAXUS0102666–MAXUS0102668 and supporting documentation.

381. Phase 5 Pre-Fire BCCM to Maxus Payment Application 9r01 identified as MAXUS0102669–MAXUS0102671 and supporting documentation.

382. Phase 5 Pre-Fire BCCM to Maxus Payment Application 10 identified as MAXUS0102642–MAXUS0102644 and supporting documentation.

383. Phase 5 Pre-Fire BCCM to Maxus Payment Application 11 identified as MAXUS0102112–MAXUS0102114 and supporting documentation.

384. Phase 5 Pre-Fire BCCM to Maxus Payment Application 12 identified as MAXUS0102594–MAXUS0102597 and supporting documentation.

385. Phase 5 Pre-Fire BCCM to Maxus Payment Application 13 identified as MAXUS0102598–MAXUS0102600 and supporting documentation.

386. Phase 5 Pre-Fire BCCM to Maxus Payment Application 14 identified as MAXUS0102253–MAXUS0102255 and supporting documentation.

387. Phase 5 Pre-Fire BCCM to Maxus Payment Application 15 identified as MAXUS0102279–MAXUS0102281 and supporting documentation.

388. Phase 5 Post-Fire BCCM to Maxus Payment Application 1 identified as MAXUS0102604–MAXUS0102606 and supporting documentation.

389. Phase 5 Post-Fire BCCM to Maxus Payment Application 2 identified as MAXUS0102615–MAXUS0102617 and supporting documentation.

390. Phase 5 Post-Fire BCCM to Maxus Payment Application 3 identified as MAXUS0102618–MAXUS0102620 and supporting documentation.

391. Phase 5 Post-Fire BCCM to Maxus Payment Application 4 identified as MAXUS0102621–MAXUS0102623 and supporting documentation.

392. Phase 5 Post-Fire BCCM to Maxus Payment Application 5 identified as MAXUS0102624–MAXUS0102626 and supporting documentation.

393. Phase 5 Post-Fire BCCM to Maxus Payment Application 6 identified as MAXUS0102627–MAXUS0102629 and supporting documentation.

394. Phase 5 Post-Fire BCCM to Maxus Payment Application 7 identified as MAXUS0102630–MAXUS0102632 and supporting documentation.

395. Phase 5 Post-Fire BCCM to Maxus Payment Application 8 identified as MAXUS0102633–MAXUS0102635 and supporting documentation.

396. Phase 5 Post-Fire BCCM to Maxus Payment Application 9r01 identified as MAXUS0102636–MAXUS0102638 and supporting documentation.

397. Phase 5 Post-Fire BCCM to Maxus Payment Application 10 identified as MAXUS0102607–MAXUS0102610 and supporting documentation.

398. Phase 5 Post-Fire BCCM to Maxus Payment Application 11 identified as MAXUS0102108–MAXUS0102111 and supporting documentation.

399. Phase 5 Post-Fire BCCM to Maxus Payment Application 12 identified as

MAXUS0102582–MAXUS0102586 and supporting documentation.

400. Phase 5 Post-Fire BCCM to Maxus Payment Application 13 identified as MAXUS0102587–MAXUS0102590 and supporting documentation.

401. Phase 5 Post-Fire BCCM to Maxus Payment Application 14 identified as MAXUS0102250–MAXUS0102252 and supporting documentation.

402. Phase 5 Post-Fire BCCM to Maxus Payment Application 15 identified as MAXUS0102276–MAXUS0102178 and supporting documentation.

403. Phase 6 Pre-Fire BCCM to Maxus Payment Application 1 and supporting documentation.

404. Phase 6 Pre-Fire BCCM to Maxus Payment Application 2 identified as MAXUS0102534–MAXUS0102545 and supporting documentation.

405. Phase 6 Pre-Fire BCCM to Maxus Payment Application 3 identified as MAXUS0102546–MAXUS0102548 and supporting documentation.

406. Phase 6 Pre-Fire BCCM to Maxus Payment Application 4 identified as MAXUS0102549–MAXUS0102551 and supporting documentation.

407. Phase 6 Pre-Fire BCCM to Maxus Payment Application 5 identified as MAXUS0102552–MAXUS0102554 and supporting documentation.

408. Phase 6 Pre-Fire BCCM to Maxus Payment Application 6 identified as MAXUS0102555–MAXUS0102557 and supporting documentation.

409. Phase 6 Pre-Fire BCCM to Maxus Payment Application 7 identified as MAXUS0102558–MAXUS0102560 and supporting documentation.

410. Phase 6 Pre-Fire BCCM to Maxus Payment Application 8 identified as MAXUS0102561–MAXUS0102563 and supporting documentation.

411. Phase 6 Pre-Fire BCCM to Maxus Payment Application 9 identified as MAXUS0102564–MAXUS0102566 and supporting documentation.

412. Phase 6 Pre-Fire BCCM to Maxus Payment Application 10 identified as MAXUS0102534–MAXUS0102536 and supporting documentation.

413. Phase 6 Pre-Fire BCCM to Maxus Payment Application 11 identified as MAXUS0102537–MAXUS0102539 and supporting documentation.

414. Phase 6 Pre-Fire BCCM to Maxus Payment Application 12 identified as MAXUS0102128–MAXUS0102130 and supporting documentation.

415. Phase 6 Pre-Fire BCCM to Maxus Payment Application 13 identified as MAXUS0102489–MAXUS0102491 and supporting documentation.

416. Phase 6 Pre-Fire BCCM to Maxus Payment Application 14 identified as MAXUS0102492–MAXUS0102494 and supporting documentation.

417. Phase 6 Pre-Fire BCCM to Maxus Payment Application 15 identified as MAXUS0102304–MAXUS0102306 and supporting documentation.

418. Phase 6 Pre-Fire BCCM to Maxus Payment Application 16 identified as MAXUS0102321–MAXUS0102323 and supporting documentation.

419. Phase 6 Post-Fire BCCM to Maxus Payment Application 1 identified as MAXUS0102498–MAXUS0102500 and supporting documentation.

420. Phase 6 Post-Fire BCCM to Maxus Payment Application 2 identified as MAXUS0102513–MAXUS0102515 and supporting documentation.

421. Phase 6 Post-Fire BCCM to Maxus Payment Application 3 identified as MAXUS0102486–MAXUS0102488 and supporting documentation.

422. Phase 6 Post-Fire BCCM to Maxus Payment Application 4 identified as

MAXUS0102483–MAXUS0102485 and supporting documentation.

423. Phase 6 Post-Fire BCCM to Maxus Payment Application 5 and supporting documentation.

424. Phase 6 Post-Fire BCCM to Maxus Payment Application 6 identified as MAXUS0102519–MAXUS0102521 and supporting documentation.

425. Phase 6 Post-Fire BCCM to Maxus Payment Application 7 identified as MAXUS0102522–MAXUS0102524 and supporting documentation.

426. Phase 6 Post-Fire BCCM to Maxus Payment Application 8 identified as MAXUS0102525–MAXUS0102527 and supporting documentation.

427. Phase 6 Post-Fire BCCM to Maxus Payment Application 9 identified as MAXUS0102528–MAXUS0102530 and supporting documentation.

428. Phase 6 Post-Fire BCCM to Maxus Payment Application 10 identified as MAXUS0102501–MAXUS0102503 and supporting documentation.

429. Phase 6 Post-Fire BCCM to Maxus Payment Application 11 identified as MAXUS0102504–MAXUS0102507 and supporting documentation.

430. Phase 6 Post-Fire BCCM to Maxus Payment Application 12 identified as MAXUS0102123–MAXUS0102127 and supporting documentation.

431. Phase 6 Post-Fire BCCM to Maxus Payment Application 13 identified as MAXUS0102471–MAXUS0102475 and supporting documentation.

432. Phase 6 Post-Fire BCCM to Maxus Payment Application 14 identified as MAXUS0102476–MAXUS0102479 and supporting documentation.

433. Phase 6 Post-Fire BCCM to Maxus Payment Application 15 identified as MAXUS0102301–MAXUS0102303 and supporting documentation.

434. Phase 6 Post-Fire BCCM to Maxus Payment Application 16 identified as MAXUS0102318–MAXUS0102320 and supporting documentation.

435. Maxus Properties – Metropolitan Rent Roll as of September 30, 2018 as contained within Exhibit D of Michelle Pienta’s expert report.

436. Maxus Properties – Metropolitan Rent Roll as of April 26, 2019 as contained within Exhibit D of Michelle’s Pienta’s expert report.

437. Maxus Properties – Metropolitan Rent Roll as of May 29, 2019 as contained within Exhibit D of Michelle’s Pienta’s expert report.

438. Maxus Properties – Metropolitan Rent Roll as of June 27, 2019 as contained within Exhibit D of Michelle’s Pienta’s expert report.

439. All pleadings filed in this litigation.

440. Any exhibit necessary for rebuttal.

441. Any exhibit necessary for impeachment.

442. Any exhibit utilized by any other party.

This submission is not a commitment that Travelers will use any exhibits at trial. Travelers reserves the right to supplement or modify its list of exhibits based upon the Court’s rulings, including rulings on motions in limine, and reserves the right to supplement or modify its list of evidence based on any issues, exhibits, or witnesses presented by any party. Travelers reserves the right to supplement its list of exhibits with any exhibits inadvertently omitted and/or to amend this list as additional exhibits become known.

Respectfully submitted,

/s/Brenen G. Ely
Brenen G. Ely (*pro hac vice*)
Lauren A. Wiggins (*pro hac vice*)

Attorneys for Defendant Travelers Property
Casualty Company of America

OF COUNSEL:

ELY & ISENBERG, LLC
3500 Blue Lake Drive, Suite 345
Birmingham, Alabama 35243
Telephone: (205) 313-1200
Facsimile: (205) 313-1201
bely@elylawllc.com
lwiggins@elylawllc.com

Daniel E. Hamann
Attorney for Defendant Travelers Property
Casualty Company of America

OF COUNSEL:

DEACY & DEACY, LLP
920 Main Street, Suite 1000
Kansas City, Missouri 64105
Telephone: (816) 421-4000
Facsimile: (816) 421-7880
deh@deacylaw.com

CERTIFICATE OF SERVICE

I do hereby certify that on March 17, 2023, I electronically submitted the foregoing with the Clerk of the Court for the United State District Court for the Western District of Missouri using the CM/ECF system, which will send a Notice of Electronic Filing to the following counsel of record:

Michael J. Abrams
Kimberly K. Winter
Brian W. Fields
Noah H. Nash
Alana M. McMullin
Lathrop GPM, LLP
2345 Grand Boulevard, Suite 2200
Kansas City, Missouri 64108-2618
Telephone: (816) 292-2000

Facsimile: (816) 216-2001
michael.abrams@lathropgpm.com
kim.winter@lathropgage.com
brian.fields@lathropgpm.com
noah.nash@lathropgpm.com
alana.mcmullin@lathropgpm.com

/s/Brenen G. Ely
OF COUNSEL